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SCHWABE, WILLIAMSON & WYATT, P.C.
PACWEST CENTER, SUITES 1600-1900
1211 SW FIFTH AVENUE
PORTLAND, OR 97204

EXAMINER

GANTT, ALAN T

ART UNIT	PAPER NUMBER
2684	

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/086,954	Applicant(s) ENGSTROM ET AL.	
	Examiner Alan T. Gantt	Art Unit 2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 47-51 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-11, 17-27, 29, 30, 36, 37, 43-46 and 52 is/are rejected.
- 7) ☒ Claim(s) 5, 12-16, 28, 31-35, 38-42 and 53-59 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 53-59 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claims 53-59 depend from claim 51. These claims are method claims, whereas claim 51 is an apparatus claim. Applicant probably intended to depend from claim 52. The examiner has no way of knowing this with certainty and will not make any assumptions to that effect. Appropriate action is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 9-11, 22-27, 43-45, and 52 are rejected under 35 U.S.C. 102(e) as being anticipated by Kushita.

Regarding claim 1, Kushita discloses an incoming notification pattern setting circuit and method for a portable telephone. Combinations of display colors or lighting patterns can be set from the outside. Incoming notification data by a change in lighting colors and data of the tempo

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are stored in RAM and data from the RAM is held in an FIFO and is outputted. Thus, Kushita discloses a wireless mobile phone comprising:

a plurality of light emitting devices (LEDs); [col. 3, lines 14-36]

a visualization controller coupled to the LEDs to selectively activate and deactivate the LEDs as requested; [col. 5, lines 19-34 - the CPU, ROM, RAM, and LED driver perform this function] and

at least one visualization client coupled to the visualization controller to request the visualization controller to selectively activate and deactivate the LEDs in at least one desired manner to effectuate visualization of at least one non-visual aspect of wireless mobile telephony. [col. 5, lines 38-52 – the programs stored in the ROM followed by FIFO read start trigger controlled from the CPU]

Regarding claim 22, Kushita discloses an incoming notification pattern setting circuit and method for a portable telephone. Combinations of display colors or lighting patterns can be set from the outside. Incoming notification data by a change in lighting colors and data of the tempo are stored in RAM and data from the RAM is held in an FIFO and is outputted. Thus, Kushita discloses a wireless mobile phone comprising:

a plurality of light emitting devices (LEDs); [col. 3, lines 14-36]

a visualization controller coupled to the LEDs to selectively activate and deactivate the LEDs as requested; [col. 5, lines 19-34 - the CPU, ROM, RAM, and LED driver perform this function] and

an event visualization client coupled to the visualization controller to request the

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visualization controller to selectively activate and deactivate the LEDs in a desired manner to effectuate visualization of an event of wireless mobile telephony. [col. 5, lines 38-52 – the programs stored in the ROM followed by FIFO read start trigger controlled from the CPU]

Regarding claim 43, Kushita discloses an incoming notification pattern setting circuit and method for a portable telephone. Combinations of display colors or lighting patters can be set from the outside. Incoming notification data by a change in lighting colors and data of the tempo are stored in RAM and data from the RAM is held in an FIFO and is outputted. Thus, Kushita discloses a wireless mobile phone comprising:

means for emitting light; [col. 3, lines 14-36]

visualization control means coupled to the light emitting means to selectively activate and deactivate the light emitting means as requested; [col. 5, lines 19-34 - the CPU, ROM, RAM, and LED driver perform this function] and

visualization client means coupled to the visualization control means to request the visualization control means to selectively activate and deactivate the light emitting means in a desired manner to effectuate visualization of one or more non-visual aspects of wireless mobile telephony. [col. 5, lines 38-52 – the programs stored in the ROM followed by FIFO read start trigger controlled from the CPU]

Regarding claim 52, Kushita discloses an incoming notification pattern setting circuit and method for a portable telephone. Combinations of display colors or lighting patters can be set

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from the outside. Incoming notification data by a change in lighting colors and data of the tempo are stored in RAM and data from the RAM is held in an FIFO and is outputted. Thus, Kushita discloses a wireless mobile phone including a method comprising:

monitoring a non-visual aspect of wireless mobile telephony; [col. 5, lines 19-52 - the CPU, ROM, RAM, and LED driver perform this function] and selectively activating and deactivate a plurality of light emitting devices (LEDs) to visualize the non-visual of wireless mobile telephony based at least in part on the result of said monitoring. [col. 5, lines 19-52 - the CPU, ROM, RAM, and LED driver perform this function]

Regarding claims 2, 23, and 44, Kushita meets the limitation - wherein the wireless mobile phone further comprises display means of a send type, in addition to said LEDs, for displaying alphanumeric data including menu and commands. (A display is an inherent feature of a modern mobile telephone that perform these functions as shown in col. 2, lines 20-45)

Regarding claims 3 and 24, Kushita meets the limitation - wherein said at least one visualization client comprises an event visualization client, said at least one non-visual aspect of wireless mobile telephony to be visualized comprises an incoming call being placed to the wireless mobile phone, and said visualization comprises a pattern of activation and deactivation of the LEDs to denote the arrival of the incoming call. (col. 5, lines 38-43)

Regarding claim 9, Kushita meets the limitation - The wireless mobile phone of claim 1, wherein

said wireless mobile phone further comprises a processor to execute

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programming instructions; (col. 5, lines 38-43)

said visualizer controller comprises first programming instructions designed to perform said selective activation and deactivation of selected ones of said LEDs as requested; (col. 5, lines 38-52) and

said at least one visualization client comprises second programming instructions designed to perform said request of the visualization controller to effectuate said visualization of at least one non-visual aspect of wireless mobile telephony. (col. 6, lines 33-41 - the setting of the tempo)

Regarding claim 10, Kushita meets the limitation - The wireless mobile phone of claim 9, wherein said first programming instructions of said visualization controller are designed to accept a request to activate/deactivate selected ones of said LEDs in at least one of a first form singularly specifying one round of activation and deactivation of said LEDs, and a second form simultaneously specifying a series of rounds of activations and deactivations of said LEDs. (col. 5, lines 18-43 – activation/deactivation of LEDs and tempo for the series of rounds)

Regarding claims 11 and 26, Kushita meets the limitation - wherein said wireless mobile phone further comprises a first storage medium having stored therein at least said first programming instructions of said visualization controller. (col. 5, lines 38-43 –ROM –Figure 1, item 2)

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Regarding claim 12 and 27, Kushita meets the limitation - wherein said wireless mobile phone further comprises second storage medium having stored therein at least a portion of said second programming instructions of said at least one visualization client. (col. 5, lines 44-52 - RAM and FIFO)

Regarding claim 25, Kushita meets the limitation - The wireless mobile phone of claim 22, wherein

said wireless mobile phone further comprises a processor to execute programming instructions; (col. 5, lines 38-43)

said visualizer controller comprises first programming instructions designed to perform said selective activation and deactivation of selected ones of said LEDs as requested; (col. 5, lines 38-52) and

said event visualization client comprises second programming instructions designed to perform said request of the visualization controller to effectuate said visualization of an event of wireless mobile telephony. (col. 6, lines 33-41 - the setting of the tempo)

Regarding claim 45, Kushita meets the limitation - The wireless mobile phone of claim 43, wherein said non-visual aspects comprise at least one of an event, a textual content, an audio being rendered. [col. 3, lines 7-13 - an incoming call]

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 4, 6-8, 17-21, 29, 30, 36, 37, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kushita, in view of Awan.

Regarding claim 6, Kushita discloses an incoming notification pattern setting circuit and method for a portable telephone as stated above for claim 1. Kushita is silent with regards to visualization utilizing LEDs when the telephone is in the idle state.

Awan discloses a status indicator as part of a cellular telephone that is controlled to visually indicate a plurality of status information during a single indication period. The status indicator is powered-on to indicate, no service, in service, or roaming. Since in-service includes the idle state, Awan meets the limitation - The wireless mobile phone of claim 1, wherein said at least one visualization client comprises an event visualization client, said at least one non-visual aspect of wireless mobile telephony to be visualized comprises an idle state, and said visualization comprises a predetermined pattern of activation and deactivation of the LEDs. (col. 5, lines 11-52)

Kushita and Awan are combinable since they share a common endeavor, namely mobile telephone that utilize visual indication of telephone use related events. At the time of the

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applicant's invention it would have been obvious to modify Kushita to provide a visual indication of an idle period as done by Awan to give the user a visual indication of the telephone status

Regarding claim 4, the examiner takes official notice that it is well known to cause LEDs to activate and deactivate upon a key stroke and that it would have been obvious to modify the Kushita / Awan combination to allow for this occurrence since such action allows the user to know that a key stroke has been accepted.

Regarding claim 7, Kushita provides for a non-visual aspect of telephony such as an incoming call and typically such visualization includes a graphical representation of the ringing as in a greater volume to coincide with the ring volume, which is a common occurrence.

Regarding claim 8, Kushita's background section meets the limitation - The wireless mobile phone of claim 1, wherein said at least one visualization client comprises a sound visualization client, said at least one non-visual aspect of wireless mobile telephony to be visualized comprises audio being rendered, and said visualization comprises a pattern of activation and deactivation of the LEDs corresponding to attributes of the audio being rendered. (col. 2, lines 13-18 discussing conventional systems)

Regarding claims 17-19, the Kushita / Awan combination is silent regarding the locating of the LEDs. However, the examiner takes Official Notice that placement of LEDs on a top

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exterior surface and integral with keys is known in the art and that it would have been obvious to modify the combination to include LEDs on the top surface since it would be most noticeable when LED activation occurs if the phone is placed correctly on a table.

Regarding claim 20, Kushita meets the limitation - The wireless mobile phone of claim 1, wherein said LEDs comprises single color LEDs of a plurality of colors, organized into groups. (col. 4, lines 11-24)

Regarding claim 21, Awan meets the limitation - The wireless mobile phone of claim 1, wherein said LEDs comprises at least one multi-color LED. (col. 8, lines 22-35)

Regarding claim 29, Kushita discloses an incoming notification pattern setting circuit and method for a portable telephone. Combinations of display colors or lighting patterns can be set from the outside. Incoming notification data by a change in lighting colors and data of the tempo are stored in RAM and data from the RAM is held in an FIFO and is outputted. Thus, Kushita discloses a wireless mobile phone including a method comprising:

a plurality of light emitting devices (LEDs); [col. 3, lines 14-36]

a visualization controller coupled to the LEDs to selectively activate and deactivate the LEDs as requested; [col. 5, lines 19-34 - the CPU, ROM, RAM, and LED driver perform this function]

Kushita does not explicitly call for a text visualization client for textual content.

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Kushita, however does suggest this feature as this is still an incoming call, albeit a SMS type call. Kushita provides visualization for normal incoming calls and therefore it would have been obvious to provide for visualization client for incoming calls since the user needs to be informed of such an occurrence. [col. 5, lines 38-52 – the programs stored in the ROM followed by FIFO read start trigger controlled from the CPU]

Regarding claim 30, Awan meets the limitation - The wireless mobile phone of claim 29, wherein the wireless mobile phone further comprises display means of a second type, in addition to said LEDs, for displaying alphanumeric data including menu and commands. [col. 4, lines 19-39]

Regarding claim 36, Kushita discloses an incoming notification pattern setting circuit and method for a portable telephone. Combinations of display colors or lighting patters can be set from the outside. Incoming notification data by a change in lighting colors and data of the tempo are stored in RAM and data from the RAM is held in an FIFO and is outputted. Thus, Kushita discloses a wireless mobile phone comprising:

a plurality of light emitting devices (LEDs); [col. 3, lines 14-36]

a visualization controller coupled to the LEDs to selectively activate and deactivate the LEDs as requested; [col. 5, lines 19-34 - the CPU, ROM, RAM, and LED driver perform this function]

Kushita is silent regarding a sound visualization client.

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Awan discloses a status indicator as part of a cellular telephone that is controlled to visually indicate a plurality of status information during a single indication period. Awan discloses an alert driven by a controller. Thus, Awan meets the following limitation:

a sound visualization client coupled to the visualization controller to request the visualization controller to selectively activate and deactivate the LEDs in a desired manner to effectuate visualization of audio of wireless mobile telephony. (col. 4, lines 19-39)

Regarding claim 37, Awan meets the limitation - The wireless mobile phone of claim 36, wherein the wireless mobile phone further comprises display means of a second type, in addition to said LEDs, for displaying alphanumeric data including menu and commands. (col. 4, lines 19-39)

Regarding claim 46, the examiner takes Official Notice that it is well known to combine a radio receiver with a mobile telephone and for that device to utilize LEDs and that it would have been obvious to modify the Kushita / Awan combination to include a commercial radio receiver to further enhance its marketability.

Allowable Subject Matter

Claims 47-51 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 47, an article of manufacture comprising a skin to partially cover a body of a wireless mobile telephone that includes an electronic component embedded within said skin

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including storage medium for programming instructions to implement visualization client related to activating and deactivating a plurality of LEDs to visualize a non-visual aspect of wireless mobile telephony was neither found, suggested, nor made evident by the prior art.

Claims 5, 13-16, 28, 31, 32-35, and 38-42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 5, the use of a pattern of activation and deactivation of LEDs in a wireless mobile phone denoting Morse code representation of textual contents of the a text message was neither found, suggested, nor made evident by the prior art.

Regarding claims 13 and 28, a wireless mobile phone comprising a body having one of at least two designs described within the claim, where the plate or covering skin comprises a second storage medium was neither found, suggested, nor made evident.

Regarding claim 31, a wireless mobile phone having a text visualization client coupled to a visualization controller in which textual contents comprise at least textual contents of a web page was neither found, suggested, nor made evident by the prior art.

Regarding claims 38 and 39, as related to wireless mobile phone having a sound visualization client coupled to a visualization controller, where the sound visualization client comprises a second programming instructions designed to perform request of the visualization

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controller to effectuate visualization of audio of wireless mobile telephony was neither found, suggested, nor made evident by the prior art.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Uyeno et al. disclose a quick recognition visual notification system for use in radiotelephones.

Any inquiry concerning this communication from the examiner should be addressed to Alan Gantt at telephone number (703) 305-0077. The examiner can normally be reached between 9:30 AM and 6 PM within the Eastern Time Zone. The group FAX number is (703) 872-9306.

Any inquiry of a general nature or relating to this application should be directed to the group receptionist at telephone number (703) 305-4700.

Alan T. Gantt

Alan T. Gantt

Nick Corsaro
NICK CORSARO
PRIMARY EXAMINER

November 9, 2004